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**FILED**  
CHARLOTTE, NC

APR 15 2010

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL NO. 3:10CV106-RLV-DSC**

**GREGORY J. KUDASZ,**

**Plaintiff,**

**vs.**

**MANATRON INC., et; al.,**

**Defendants.**

**MOTION TO STRIKE**

**MOTION TO STRIKE MANATRON INC.'S MOTION FOR EXTENSION TO TIME  
TO PLEAD OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT**

Plaintiff GREGORY J. KUDASZ ("Kudasz") moves this court to strike defendant MANATRON Inc.'s ("Manatron") FED. R. CIV. P. 6(b) motion to extend time to answer the complaint. In alternate, Kudasz requests that the court reduce the time to answer to a date earlier than April 27, 2010 or in alternate that Manatron provide a more definitive affidavit explaining why their motion to add three weeks to answer is good cause and not undue delay.

1 Kudasz sets forth the following in support of this motion:  
2

- 3 1) Good cause was not presented in Manatron's motion as required by FED. R. CIV. P. 6(b).  
4 Manatron states no reason for additional time except needing it. This is a circular  
5 reference.  
6 2) Kudasz believes that 42 days to respond to any complaint is extraordinary and in the  
7 instant case prejudicial to him. This is twice the amount of time allowed by FED. R. CIV.  
8 P. 12(a).  
9 3) The majority of the statements before the defendant (paragraphs 15-44) is regarding a  
10 cease and desist order that was written by Manatron's council in the instant case.  
11 Manatron should be able to easily admit or deny statements they wrote.  
12 4) Kudasz presented questions regarding the cease and desist order as early as December 4,  
13 2009 to Manatron's council in the instant case giving defendant more than four months to  
14 digest them and in fact to avoid this action by answering them without a suit.  
15 5) The non-cease and desist issues are answerable based on the recollection of less than a  
16 handful of Manatron employees which should take very little time to accomplish.  
17 6) There are no highly technical or complex issues to be addressed and therefore the  
18 answers should not be complicated to form.  
19 7) Manatron retained current council in this case at least as early as November 23, 2009.  
20 Most of the issues to be answered should have been known to them at that time.

21 The extension of time unfairly prejudices Kudasz because:

- 22 1) At least two potential Does have been identified but confirmation is dependent on  
23 Manatron's answers. If the complaint is not answered by April 27, 2010, Kudasz will be  
24 forced to join these Does to the instant case in order to preserve statute of limitations on

1 some of the claims. This is a burden on Kudas, and gives rise to the possibility of  
2 unneeded burden and expense on additional defendants that might otherwise not be  
3 joined.

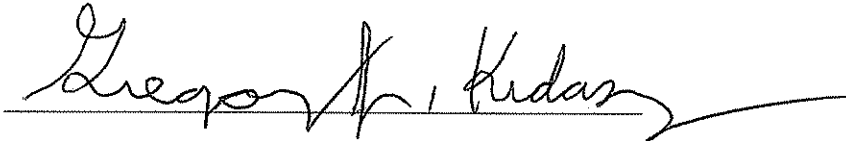
4 2) Much of the anticipated discovery involves electronic data for more than 20 Manatron  
5 customers. This evidence is susceptible to spoilage and if spoiled will create a burden to  
6 these customers to retrieve the data from archival. If the court does not grant this motion,  
7 it may necessitate an order to preserve evidence to these third parties or the  
8 commencement of early discovery for these items (see FED. R. CIV. P. 45(d)(1)(D). This  
9 is a burden on all parties including Manatron customers.

10 3) One common function of computer systems is to delete certain information on an  
11 ongoing, prescheduled basis to prevent overloading the system (e.g., overwriting deleted  
12 digital information, recycling backup tapes, and purging e-mails) and a three week delay  
13 may result in Kudas not being able to obtain discovery of these items from third parties.

14 Kudas therefore requests that this MOTION TO STRIKE be granted.  
15

1 April 15, 2010

2 Respectfully Submitted,

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CERTIFICATE OF SERVICE

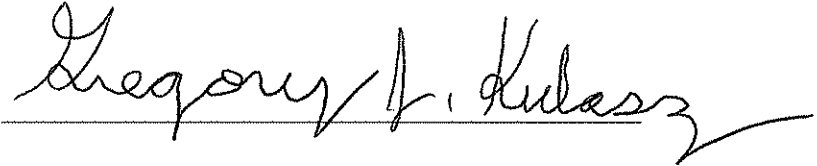
I, Gregory J. Kudas, hereby certify that I have this day filed the foregoing **MOTION TO STRIKE MANATRON INC.'S MOTION FOR EXTENSION TO TIME TO PLEAD OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT** with the Clerk of Court by appearing in person at the Federal Courthouse in Charlotte N.C.

I further certify I have served a copy of the foregoing by U.S. Mail, first class, properly addressed and with the correct amount of postage affixed thereto, upon the following person:

*Attorney for Defendants*

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Dated this the 15th day of April, 2010.



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